

07.02.2022
Sl. No.13
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 19259 of 2021

Subhadip Roy
Vs.
The State of West Bengal & Ors.

Mr. Gangadhar Das,
Mr. Swarvanu Saha,
Mr. Tanmoy Chattopadhyay
....for the petitioner.

Mr. Samrat Sen,
Ms. Manali Ali
....for the State.

Mr. Pradip Kumar Roy,
Mr. Joydeep Roy
....for Public Service Commission.

It is submitted on behalf of the petitioner that after service of a copy of the writ petition, the petitioner's representation seeking appointment as a Junior Engineer by virtue of being successful in the Junior Engineers' (Civil/Mechanical/Electrical) Recruitment Examination, 2017 has been rejected by the competent authority by a memo dated 10th December, 2021. The cause of action on the premise whereof the writ petition was filed has now changed. Although the petitioner wants to file a supplementary affidavit, but the pleadings and the reliefs claimed in the writ petition cannot be altered to suit the present cause of the petitioner arising out of the rejection memo dated 10th December, 2021. The petitioner,

therefor, has to file a fresh case taking into the ambit the rejection memo.

On behalf of the respondent nos.2 and 3, it is submitted that the writ petition cannot be received, entertained and determined by this Court in view of the embargo laid down in the Administrative Tribunals Act, 1985 (hereinafter referred to as the said Act).

Section 15(1)(a) of the said Act clearly states that in case of recruitment and matters concerning recruitment to any civil service of the State or to any civil post under the State, the jurisdiction of all courts except the Supreme Court is excluded. Petitioner's grievance is against recruitment to a civil post.

In the aforesaid circumstances, the writ petition is dismissed as withdrawn with liberty to the petitioner to ventilate his grievances before the jurisdictional tribunal constituted under the said Act agitating all points taken in the writ petition as also the changed scenario, if any, that have evolved subsequent to filing of the writ petition.

(Arindam Mukherjee, J.)